define the procedure to be adopted in cases falling under that section as will be seen from the remaining sections of that Regulation.

Mr. Mahadeva Iyer.—I do not think that section 7 can be retained as it stands. If we are to have any provision in the Bill giving powers of interference to Government I think it will be necessary to re-draft the section and adopt also the other provisions of the Hindu Religious Endowments Regulation controlling the exercise of such powers.

Mr. Nagam Aiya.—I have no objection to those provisions being also put in. All that I want is that Government should have some power of control over these institutions.

Mr. Rama Iyer.—If so, a provision similar to proviso to section 17 of Regulation III of 1079 allowing suits by persons affected by the order of the executive is also necessary.

Mr. Govinda Pillai.—I also think that is a necessary provision.

Mr. Nagam Aiya then moved the following amendment:

"That section 7 be modified on the lines of section 5 II of Regulation III of 1079 and the necessary safeguards contained in sections 6 to 17 of that Regulation be also embodied in the Bill."

Seconded by Mr. Sesha Aiyar.

Mr. John.—I think that it is not necessary to proceed upon the analogy of Regulation III of 1079 and to introduce into this Bill all the elaborate provisions found in that Regulation. Such a course would in the first instance vest in the executive a certain power, but as soon as the power is exercised leave it open to any party to dispute its correctness in the Civil Courts. Section 511 of the Civil Procedure Code is, in my opinion, quite enough to preserve the funds of these charitable institutions from being wasted.

Mr. Kesava Pillai.—There is one point that I would wish to mention. The Bill before us deals not only with charitable endowments made by Hindus but with those of all classes in the country. In the founding of the charitable institutions there is generally a religious sentiment at the bottom and in the practical administration of these charities it is not easy to detach altogether the religious side. On the other hand there is a danger of interfering with the religious sentiments of particular classes for whose benefit the charities were originally founded.

Mr. Rajaram Row.—Section 511 of the Civil Procedure Code affords, in my opinion, ample protection for the preservation of these charities. I therefore think that section 7 may be omitted.

The amendment was then put to the vote and lost.

The original proposition of Mr. John to omit section 7 was next put to the vote and carried by a majority.

Mr. Nagam Aiya.—I beg to move that the Bill as now amended be read again on a future day of which notice shall be given.

The motion was put and agreed to.

CRIMINAL PROCEDURE CODE AMENDMENT BILL.

Mr. Rajaram Row.—The next business on the agenda is the discussion of the principle of the Criminal Procedure Code Amendment Bill. The amendments now proposed fall under the following heads:

(1) Investing Magistrates of the 1st class with appellate jurisdiction.
(2) Summary rejection of appeals.
(3) Summary trials.
(4) Trials by jury or with assessors.
(5) First offenders.

Under the present law it is the District Magistrates alone who are competent to hear appeals from the decisions of Magistrates of the 2nd and 3rd class. It has been found from experience that the District Magistrates who are also the chief Revenue officers of Divisions are unable to devote as much time as would be desirable for the disposal of these appeals owing to their other multifarious and

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equally important duties. It is, therefore, necessary both in the interests of the public and the over-worked District Magistrates to create other appellate courts to attend to this work and thereby afford them some relief. What is now proposed is to invest Magistrates of the 1st class with jurisdiction to hear appeals from convictions by 2nd and 3rd class Magistrates. The appeals will as hitherto be presented to the District Magistrates who will refer such appeals as they may think fit to the first class Magistrates for disposal. A similar provision is found in the British Indian Code. I think the Council will agree with me that our Magistrates of the first class may safely be entrusted with such jurisdiction.

The next point is in regard to the summary rejection of appeals. At present there is no power vested in appellate courts to deal summarily with appeals however groundless they may be. Section 18 of the Bill provides that the appellant or his pleader should be heard in support of the appeal before it is rejected. With this safeguard, I think there will be no harm in conferring summary powers of rejection on appellate courts. This provision is also taken from the British Indian Code.

Next comes the question of summary trials. Considering the fact that there has been great improvement in the administration of criminal justice, I think it is high time that a summary power of disposal should be vested in our Magistrates as regards particular classes of offences. The work in criminal courts has also greatly increased and the enactment of the provision proposed would secure speedy justice and also afford relief to the Magistrates.

On the fourth point *i. e.* trial by jury or with assessors I have already given my reasons both in the Statement of Objects and Reasons and at the time I applied for leave to introduce the Bill. I shall not take up the time of the Council by repeating them. I am aware that doubts are entertained as to whether under existing circumstances we shall have enough of men to go into the jury box and discharge their duties dispassionately and without fear or favour. I think we are not behind any part of British India in this respect. We have already a Popular Assembly at which the people have come forward and discharged their duties in a manner which reflects the highest credit upon themselves and their education. Besides, the system is not to be introduced immediately, but Government only take power to introduce it whenever they may think fit.

In regard to the provision concerning first offenders I do not think that any lengthy argument is necessary to commend the measure to the Council. The provisions are very humane in their nature and have contributed a good deal to a decrease in crime both in England and British India where they have been in operation.

With these remarks I beg to move that the principle of the Bill be affirmed.

Seconded by Mr. Sesha Aiyar.

The principles involved in the various provisions of the Bill were then discussed by the members at length, and the Council unanimously affirmed the principle in regard to the following points:

(1) Investing 1st class Magistrates with appellate jurisdiction.

(2) Summary trials.

(3) First offenders.

As regards summary trials, however, the members were of opinion that it was desirable to confer such powers on Magistrates, but they were not agreed as to the class of offences to which the provisions should be made applicable. They therefore assented to the principle and thought that the details as to what offences or classes of offences could be dealt with summarily might be left to be discussed at a later stage.

On the question of the summary rejection of appeals, the majority of the Council were against the introduction of the provision.

The question of trial by jury formed the subject of considerable discussion and the majority were of opinion that in the present state of the country, it was not desirable to adopt the provisions in this respect contained in the Bill.

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As regards trials with the aid of assessors, the Council was equally divided and the President gave his casting vote for retaining the provision.

The Council having affirmed the principle of the Bill as above noted, Mr. Rajaram Row moved that the Bill be referred to a Select Committee consisting of Messrs. Govinda Pillai, Kesava Pillai, Rama Iyer, Raman Tampi and the Mover to report within 3 months.

Seconded by Mr. Nagam Aiya.

The motion was put and agreed to.

STEAM BOILERS AND PRIME-MOVERS BILL.

Mr. Mahadeva Iyer.—The next item on the agenda stands in my name. It is the introduction of the Steam-boilers and Prime-movers Bill. The Bill has just been published in the Gazette and copies circulated among the members. But as fifteen days have not elapsed since the date of publication, I beg to move that Rule 33 of the rules for the conduct of business in the Council be suspended to enable me to introduce the Bill.

The Council having suspended the rule, Mr. Mahadeva Iyer introduced the Bill and in doing so spoke as follows:

In pursuance of the permission granted to me at the last meeting of the Council I beg now to introduce the Bill. As mentioned in the Statement of Objects and Reasons, the Bill is a close adaptation of Madras Act III of 1893 and contains only a few provisions. The two important provisions are: (1) the examination of boilers and the issue of licenses for their use and (2) the issue of certificates of competency to persons entrusted with the management of the boilers. These provisions are self-explanatory and obviously necessary for public safety.

I beg to move that the Bill be read in Council and the discussion of the principle deferred to the next meeting of the Council.

Seconded by Mr. Nagam Aiya.

The motion was put and agreed to.

THE MUNICIPALITIES BILL.

Mr. Kesava Pillai.—At the last meeting of the Council I obtained permission to introduce a Bill to consolidate and amend the law relating to Municipalities. The Bill has been prepared and sent to the Secretary, just in time for the meeting and could not therefore be printed and circulated or published in the Gazette. To save delay, however, I beg to move that Rule 33 of the rules for the conduct of business in the Council, be suspended.

The Council having suspended the rule, Mr. Kesava Pillai introduced the Bill and moved that it be read in Council, the discussion of the principle being deferred till the next meeting.

Seconded by Mr. Rajaram Row.

The motion was put and agreed to.

The Council adjourned at 6-45 P. M.

V. P. MADHAVA RAO,
President.

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